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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,721	03/23/2001	Shinji Imoto	205075US2	5704
22850	7590	01/27/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GIBBS, HEATHER D	
		ART UNIT		PAPER NUMBER
				2627

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,721	IMOTO, SHINJI	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 11-29, 31-37 and 39-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 11-13, 16-18, 25-29 and 31-341 is/are rejected.
- 7) Claim(s) 14, 15, 19-24, 42, 43 and 47-52 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/25/01.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,3-9,25-29, 31-37,53-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "stationary reading section" renders the claim indefinite/contradictive as the applicant further includes "wherein said reading section and the reading position on the glass platen are moveable relative to each other." The Examiner is unclear from the given specification as to whether the reading section is stationary, as stated in the preamble, or moveable as mentioned in the body of the claim. Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-13,16,39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabeshima et al (US 5,930,008) in view of Sakano (US 4,805,120).

For claim 11, which is representative of claim 39, Nabeshima discloses an image reading device for reading a document being conveyed with a stationary reading section

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at a reading position on a glass platen, said image reading device comprising: moving means 502 for moving the glass platen; and control means 501 causing said moving means to move said glass platen while the reading section reads an image; wherein while causing said moving means to move said glass platen, said control means causes said reading section to read an image, determines whether or not contamination is present on the basis of resulting image data, and distinguishes contamination of said glass platen and contamination of said white plate (Figs 3a,3b; 3:33-48).

Nabeshima does not disclose expressly a white plate positioned above the glass platen for constituting a white reference for reading the document.

Sakano discloses a white plate positioned above the glass platen for constituting a white reference for reading the document (Fig 2. Ref. 7).

Nabeshima & Sakano are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Nabeshima with Sakano.

The suggestion/motivation for doing so would have been to incorporate a white reference to aid in the detection of contamination on the glass platen.

Therefore, it would have been obvious to combine Sakano with Nabeshima to obtain the invention as specified in claims 11.

For claim 12, which is representative of claim 40, Nabeshima teaches contamination detecting means for comparing current image data and immediately preceding image data, determining whether or not contamination is present on the basis

of a difference between said current image data and said immediately preceding image data, and determining whether said contamination exists on the glass platen or on said white plate, wherein when said contamination detected by said contamination detecting means exceeds a preselected level, said control means inhibits the reading section from reading an image (3:33-48).

Considering claim 13, which is representative of claim 41, Nabeshima discloses wherein said moving means moves the glass platen in a main scanning direction (3:1-10).

Regarding claim 16, which is representative of claim 44, Nabeshima teaches wherein said moving means moves the glass platen in a main scanning direction (3:1-10).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17-18,45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al (US 5,930,008).

For claim 17, which is representative of claim 45, Nabeshima teaches an image reading device for reading a document being conveyed with a stationary reading section at a reading position on a glass platen, said image reading device comprising: a body 110; moving means 503 for moving the glass platen; and cleaning means affixed to said

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body and contacting the glass platen for cleaning a top of said glass platen (3:33-55); wherein while said moving means moves the glass platen, said cleaning means moves relative to said glass platen to thereby clean the top of said glass platen (Figs 3a,3b; 4:1-18).

For claim 18, which is representative of claim 46, Nabeshima teaches control 501 means for causing said moving means to move the glass platen while causing the reading section to read an image.

Allowable Subject Matter

7. Claims 14-15,19-24,42-43,47-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

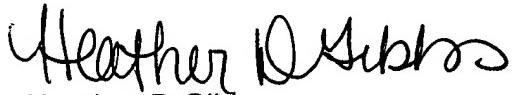
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumagai et al (US 6,600,579) Image Reading Apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2627

hdg

